
DELIBERATIVE AGENDA

LOCAL CONTROL COMMISSION
CONTOIS AUDITORIUM, CITY HALL
MONDAY, JUNE 3, 2013
7:05 P.M.

PRESENT: City Council President Shannon, Commissioners Bushor, Worden, Knodell, Tracy, Siegel, Aubin, Blais, Paul, Ayres, Decelles and Mason (arrived at 7:08 p.m.)

ABSENT: Commissioners Brennan and Hartnett

CITY ATTORNEY'S OFFICE: Eileen Blackwood

CLERK/TREASURER'S OFFICE: Bob Rusten, Rich Goodwin, Scott Schrader and Lori Olberg

CITY COUNCIL PRESIDENT SHANNON PRESIDING:

1. AGENDA

On a motion by Commissioners Blais and Ayres the agenda was unanimously adopted as is.

2. CONSENT AGENDA

On a motion by Commissioners Blais and Aubin the consent agenda was unanimously adopted thus taking the following actions as indicated:

2.01. OUTSIDE CONSUMPTION PERMIT EXPANSION/EXTRA HOUR:

American Flatbread, 115 St. Paul Street

*waive the reading, accept the communication, place it on file and approve the outside consumption permit expansion for additional seating along with an extra hour of outside consumption service for American Flatbread

2.02. EXTENSION OF HOURS PERTAINING TO OUTSIDE CONSUMPTION: Pacific Rim

*waive the reading, accept the communication, place it on file and approve the extension of hours for Pacific Rim

2.03. OUTSIDE CONSUMPTION PERMIT EXPANSION: Skinny Pancake

*waive the reading, accept the communication, place it on file and approve the outside consumption permit expansion for additional seating for Skinny Pancake

3. FIRST CLASS HOTEL LIQUOR LICENSE APPLICATION (2013-2014):

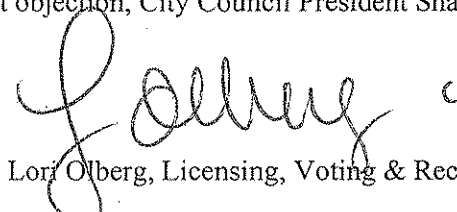

Made Inn Vermont@204, LLC, 204 South Willard Street

Commissioners Blais and Ayres made a motion to approve the first class hotel liquor license application for Made Inn Vermont@204, LLC. The motion passed unanimously.

4. ADJOURNMENT

Without objection, City Council President Shannon adjourned the Local Control Commission at 7:08 p.m.

Attest:

 & 
Lori Olberg, Licensing, Voting & Records Coordinator & Amy Bovee, Executive Secretary

ANNUAL MEETING, CITY COUNCIL
MONDAY, JUNE 3, 2013
7:10 P.M.

PRESENT: see above, Councilor Brennan (arrived at 8:02 p.m)

1. AGENDA

On a motion by Councilors Mason and Bushor the agenda was unanimously adopted as follows: remove from the consent agenda item 4.11. RESOLUTION: Authorization to Execute Extension of Letter of Agreement Between The City of Burlington and University of Vermont (Councilors Shannon, Bushor, Aubin: Board of Finance) and place it on the Deliberative Agenda as agenda item 9.5; remove from the consent agenda item 4.12. COMMUNICATION: Mayor Miro Weinberger, re: UVM Payment for Services and place it on the Deliberative Agenda as agenda item 9.6.

Councilor Knodell requested that consent agenda item 4.21. RESOLUTION: Endorsement of IATSE Collective Bargaining Agreement 2012-2015 be removed from the agenda since the Board of Finance did not act on it.

2. COMMUNICATION: Chief Michael Schirling, Burlington Police Department, re: Summer Strategy (oral)

Michael Schirling, Police Chief, stated that he drafted a memo on May 3 regarding their summer strategy. The strategy is comprehensive for the whole City. His team also drafted a letter that they will be distributing to residents in specific areas of the City where there have been drug problems. Federal, State and Local Officers will be knocking on doors, distributing the letters, and talking to neighbors. The memo outlines patrol strategies, how court cases are managed, and non-enforcement tools. They will also be working on the Neighborhood Watch Initiative in response to what the Community has asked for.

Councilor Bushor stated the memo mentions they will use detectives to conduct unannounced saturation patrols and sweeps for wanted persons and trespass violations. She inquired what that means and how often they do this. Chief Schirling stated they do this periodically but more often during the summer. This means they will put all of their detectives in uniform and send them to a particular area where they have had reports of unusual activity. They do a sweep for offenders with outstanding arrest warrants. They want to be as unpredictable as possible. Councilor Bushor stated her focus with the trespass ordinance was to give them a tool to help them and she wants to understand how frequently it is used. This was referenced as part of the memo. She inquired how often it has been used since it was expanded to the Marketplace. Chief Schirling stated he does not yet have statistics about that. When looking at trespass violations, they are looking at compliance checks. They go to residences where there have been pre-trial conditions of release or no-trespass orders on a defendant. Often, that offender will end up back in that home. They are working to prevent those things from happening even when they are not called for that type of violations. They have done that at the behest of the Courts to ensure people are complying with pre-trial conditions. Trespass orders are issued for a large number of incidents and are usually outside of the Marketplace, City Hall and the Library. Councilor Bushor stated the memo states that defendants are not allowed in the inner city fire district. She inquired if an individual had something like this put in

place, would they be able to work if their job was located downtown. Chief Schirling stated that is a condition of release request for people who have been arrested for a criminal violation. That request goes to a judge who decides what to issue. Those types of conditions are imposed infrequently, but are requested for repeat or significant offenders in the downtown area. Councilor Bushor inquired if that is the City's language. Chief Schirling stated it was developed between the City and the State's Attorney's Office. Councilor Bushor stated she would like to make sure that until the court date, people are able to get to their residence or their job. Chief Schirling stated he would not worry much about that. The Courts were very deferential to those issues.

Councilor Tracy thanked the Chief for increased foot patrols and feels it will build confidence in the neighborhoods. There have been several arsons in the area and inquired what strategies are being used to respond and if anyone has been caught. Chief Schirling stated they have not caught anyone yet. Because operations are ongoing, he does not want to disclose the strategies they have used. They are happening randomly which makes them difficult to predict. There have been nine pieces of furniture that have been set ablaze. They have been lucky that no embers have travelled to a house.

Councilor Siegel stated the memo says trespass warnings must be accompanied by a citation or municipal ticket and inquired what the differences are. Chief Schirling stated a citation is a criminal citation for a criminal offense. A municipal ticket is for a civil offense. They are often similar. They began a pilot program for unlawful trespass, unlawful mischief and disorderly conduct where people can be issued a ticket rather than being taken to criminal court. They do not want people to be given a trespass warning without additional action. The trespass warning is not meant to be the enforcement mechanism. They would prefer to use the civil ticket to keep as many cases as possible out of the criminal venue. However, many people do not respond to that. Councilor Siegel stated the memo reads the opposite. Chief Schirling stated that is true in some areas of the City. Councilor Siegel inquired if they prefer citations in the Marketplace, City Hall and Church Street and one or the other is required for a trespass warning. Chief Schirling stated that is correct. Councilor Siegel inquired if those given a trespass warning are given information about the appeal process in writing. Chief Schirling stated that they were.

2.01. COMMUNICATION: Chief Michael Schirling, Burlington Police Department,
re: Summer Strategy

Councilors Paul and Blais made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

3. PUBLIC FORUM

City Council President Shannon opened the public forum at 7:28 p.m.

<u>Name</u>	<u>Ward/Affiliation</u>	<u>Subject</u>
Stephanie Seguino	Ward 6 Resident	Police Commission Applicant
Ron Redmond	Church Street Marketplace Director	In favor of PlanBTV
Jason Van Driesche	Local Motion	In favor of PlanBTV
Ross Nizlek	Ward 1 Resident	In favor of PlanBTV
Tony Redington	Ward 3 Resident	Issues with Transportation and PlanBTV
Jon Adams-Kollitz	Ward 5 Resident	In favor of PlanBTV

With no one further coming forward and no objection from the remaining Council, City Council President Shannon closed the public forum at 7:43 p.m.

4. CONSENT AGENDA

On a motion by Councilors Bushor and Decelles the consent agenda was unanimously adopted as amended thus taking the following actions as indicated:

4.01. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator, re:
Accountability List

*waive the reading, accept the communication and place it on file

4.02. RESOLUTION: Amend FY 2013 Street & Sidewalk Capital Program Street Paving
Budget to Increase Budget by the Amount Unexpended in FY 2012
On the Approved Drew Street Project (Councilors Shannon, Bushor,
Aubin: Board of Finance)

*waive the reading and adopt the resolution

4.03. RESOLUTION: Authorization for Bike Path Rehabilitation Design and Engineering
(Councilors Shannon, Bushor, Aubin: Board of Finance)

*waive the reading and adopt the resolution

4.04. COMMUNICATION: Jesse Bridges, Director, Department of Parks & Recreation to the Board
of Finance, re: Bike Path Rehabilitation: Design & Engineering

*waive the reading, accept the communication and place it on file

4.05. RESOLUTION: Reclassification of One Limited Service Part Time Art Sales and
Leasing Coordinator Position to One Limited Service Full Time
Exhibitions and Sales Coordinator Position at the Burlington City
Arts Department and Budget Amendment (Councilors Shannon, Bushor,
Aubin: Board of Finance)

*waive the reading and adopt the resolution

4.06. COMMUNICATION: Human Resources, re: City of Burlington Job Description, Art Sales and
Exhibitions Coordinator

*waive the reading, accept the communication and place it on file

4.07. COMMUNICATION: Human Resources, re: BCA Organizational Chart, FY 13 reorg FY 14

*waive the reading, accept the communication and place it on file

4.08. COMMUNICATION: Julie Hulburd, HR Generalist and Susan Leonard, Director of Human
Resources, re: Reclassification and title change of the BCA Art Sales and
Leasing Coordinator Limited Service Part-Time to Limited Service Full
Time Exhibitions and Sales Coordinator

*waive the reading, accept the communication and place it on file

4.09. COMMUNICATION: Human Resources, re: BCA Organizational Chart FY 13 reorg FY14

*waive the reading, accept the communication and place it on file

4.10. COMMUNICATION: Doreen Kraft, Executive Director, Burlington City Arts to Susan
Leonard, Director, Human Resources, re: Reorganization

Minutes, Annual City Council Meeting, June 3, 2013

*waive the reading, accept the communication and place it on file

- 4.13. RESOLUTION: Authorization to Enter into License Agreement to Maintain Tables and Chairs on a Portion of The City's Right-of-way with Big Daddy's Restaurant (Councilors Blais, Tracy, Ayres; License Committee)

*waive the reading and adopt the resolution

- 4.14. COMMUNICATION: License Agreement for Tables and Chairs Big Daddy's Restaurant 2013-2014 Season

*waive the reading, accept the communication and place it on file

- 4.15. RESOLUTION: Authorization to Enter into License Agreement to Maintain Tables and Chairs and Potted Plants on a Portion of The City's Right-of-way with New Moon Café (Councilors Blais, Tracy, Ayres; License Committee)

*waive the reading and adopt the resolution

- 4.16. COMMUNICATION: License Agreement for Tables and Chairs and Potted Plants with New Moon Café 2013-2014 Season

*waive the reading, accept the communication and place it on file

- 4.17. RESOLUTION: Authorization to Enter into License Agreement to Maintain Tables and Chairs on a Portion of The City's Right-of-way with Pacific Rim Café (Councilors Blais, Tracy, Ayres; License Committee)

*waive the reading and adopt the resolution

- 4.18. COMMUNICATION: License Agreement for Tables and Chairs and Stanchions Pacific Rim 2013-2014 Season

*waive the reading, accept the communication and place it on file

- 4.19. RESOLUTION: Authorization to Execute Amended Lease for Verizon Wireless Cellular Tower at Burlington International Airport (Councilors Shannon, Bushor, Decelles; Board of Finance)

*waive the reading and adopt the resolution

- 4.20. COMMUNICATION: Ryan Betcher, Burlington International Airport to the Board of Finance, re: Finance Board Term Amendment – NYNEX, d/b/a Verizon Wireless Lease Agreement

*waive the reading, accept the communication and place it on file

- 4.22. RESOLUTION: Acceptance of EPA Area-Wide Planning Grant for Fiscal Year 2014 and Fiscal Year 2015 (Councilors Shannon, Bushor, Aubin; Board of Finance)

*waive the reading and adopt the resolution

- 4.23. COMMUNICATION: Peter Owens, CEDO Director, re: Acceptance of EPA Grant

*waive the reading, accept the communication and place it on file

- 4.24. COMMUNICATION: AmyJean McKeown, Project Officer, United States Environmental Protection Agency to Michael Kenyon, Director, Office of Administration and Resource Management (MIO), re: City of Burlington, Vermont – Approval of Pre-Award Costs

*waive the reading, accept the communication and place it on file

- 4.25. COMMUNICATION: Miro Weinberger, Mayor to Ms. Diane Kelley, EPA Region 1, re:
Proposal for the Brownsfield Area-Wide Planning Grant

*waive the reading, accept the communication and place it on file

- 4.26. SPECIAL EVENT OUTDOOR ENTERTAINMENT PERMIT APPLICATION (one day only):

Ken's Pizza & Pub, 71 Church Street, June 9, 2013, 11 a.m. -- 4 p.m., Miller Pub Trio

*waive the reading, accept the communication, place it on file and approve the one day only special event outdoor entertainment permit application for Ken's Pizza & Pub

- 4.27. SPECIAL EVENT OUTDOOR ENTERTAINMENT PERMIT APPLICATION (four days only):

Monkey House, SEABA Parking Lot on Pine Street, Food Truck Rally, June 7th, 14th, 21st, 28th
4 p.m. -- 9 p.m.

*waive the reading, accept the communication, place it on file and approve the four day only special event permit application for Monkey House

- 4.28. COMMUNICATION: Parks and Recreation Commission Meeting Attendance Record
July -- June 2013

*waive the reading, accept the communication and place it on file

- 4.29. COMMUNICATION: Clerk/Treasurer's Office, re: Openings Burlington City Commissions/
Boards

*waive the reading, accept the communication and place it on file

- 4.30. COMMUNICATION: Ron Ruloff, Chair, Chittenden Emergency Food Shelf Client Advisory
Group, re: Information

*waive the reading, accept the communication and place it on file

- 4.31. RESOLUTION: Authorization for Parks and Recreation Master Plan (Councilors
Shannon, Bushor, Aubin; Board of Finance)

*waive the reading and adopt the resolution

- 4.32. COMMUNICATION: Jesse Bridges, Director, Parks & Recreation to the Board of Finance,
Re: Parks Master Plan Development

*waive the reading, accept the communication and place it on file

5. INDOOR ENTERTAINMENT PERMIT APPLICATION (2013-2014): Daily Planet

Councilors Blais and Ayres made a motion to approve the indoor entertainment permit application for the Daily Planet. The motion passed unanimously.

6. PUBLIC HEARING: Allocation Method and Standards for Common Area Fees of The
Church Street Marketplace

Ron Redmond, Church Street Marketplace Executive Director, stated that this was the first of two public hearings held each year. The Marketplace Department manages the Marketplace District. 73% of their revenue comes from Common Area Fees. Property owners are charged this fee. They have developed a formula for how the fee is assessed. Since they have agreed to a formula, there have been no issues in agreeing. However, if someone does disagree, they are able to appeal to the City Council if they feel they have not been heard by the Church Street Marketplace Commission.

Councilor Bushor inquired what the stores input was about the fees and if it was supported unanimously. Mr. Redmond stated they are proposing a 2.5% increase and it passed. They did hold a public hearing. Councilor Bushor inquired if any of the stores came out in opposition to the fee. Mr. Redmond stated they did not. Councilor Bushor inquired if the anchor stores with a different formula had any opposition. Mr. Redmond stated they did not.

City Council President Shannon opened the public hearing at 7:47 p.m.

No one came forward to speak.

With no one further coming forward and no objection from the remaining Council, City Council President Shannon closed the public hearing at 7:47 p.m.

6.01. RESOLUTION: Allocation Method and Standards for Common Area Fees of The Church Street Marketplace for Fiscal Year 2014 (Councilors Shannon & Blais)

Councilors Blais and Worden made a motion to waive the reading and adopt the resolution.

Councilor Bushor inquired if the fees will be levied in the second step of this process. Ron Redmond, Church Street Marketplace Executive Director, stated that is correct. Councilor Bushor inquired if they need to include that language in the resolution, but does not feel they need to revise it if it is the same language they have used in previous years. Mr. Redmond stated this is the same language they use each year. Councilor Bushor stated it suggests an action she does not feel they are taking tonight. City Attorney Blackwood stated it can be left as written. She believes that language is included to make it clear what the effect of the standard changes would be. Councilor Bushor requested that it be more clear in the future.

Councilor Worden stated there is a reference to 2012-2013 in the resolution. Mr. Redmond stated that is incorrect and they will correct it.

Councilor Mason stated the resolution references an Appendix A and inquired if it is the next communication. Mr. Redmond stated that is correct.

The motion passed unanimously.

6.02. COMMUNICATION: Church Street Marketplace District: Common Area Fee

Councilors Blais and Worden made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

6.03. COMMUNICATION: Ron Redmond, Executive Director, Church Street Marketplace,
Re: Explanation of City Council Public Hearings for The Church Street Marketplace

Councilors Blais and Worden made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

6.04. COMMUNICATION: Clerk/Treasurer's Office, re: Notice of Public Hearing, Monday,
June 3, 2013, Church Street Marketplace District, City of Burlington

Councilors Blais and Worden made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

7. PUBLIC HEARING: MDP-13-01-DRAFT planBTV – Downtown & Waterfront Master Plan;
Amendment of the Burlington Municipal Development Plan Land Use
Plan and Re-adoption of the Burlington Municipal Development Plan

David White, Planning and Zoning Director, stated that the plan was the result of many months of public engagement and represents the consensus of the community. It is a vision for the future of the City. He toured the downtown and waterfront with an EPA Administrator who noted how vibrant it was. He also appreciated its potential to be more livable, sustainable, and economically vibrant. The final step of the process is to adopt this into the Municipal Development Plan. It will amend the land use section to incorporate the document. It will provide guidance for the future. Every single item in this plan may not be built. They hope for final action and adoption at the next meeting.

City Council President Shannon opened the public hearing at 7:53 p.m.

Tony Redington, Ward 3 Resident, spoke about issues with the transportation section.

Andy Montroll, Ward 6 Resident, spoke in favor of PlanBTV.

Charles Baker, Chittenden County Regional Planning Commission, spoke in favor of PlanBTV.

Jesse Bridges, Parks and Recreation Director and Burlington resident, spoke in favor of PlanBTV.

Jason Van Driesche, Ward 5 Resident, spoke in favor of PlanBTV, particularly surrounding housing issues.

Councilor Siegel inquired if this was presented to the Burlington Walk Bike Council. Sandrine Thibault, Planning and Zoning Comprehensive Planner, stated that she visited the Bike Walk Council when the first draft of the plan was out for review and comment. She presented the plan and invited comments. They received a letter with a list of recommended changes and they took them into consideration. Many of them were incorporated. Councilor Siegel inquired if it is feasible to pull one section out of the plan for further review; Mr. White stated it is up to the Council. However, it would affect the adoption process because they would have to re-warn the public hearings. They could adopt the plan and look at certain areas further.

Councilor Tracy stated they have begun to look at zoning changes and inquired how they relate to planBTV. Mr. White stated two of the zoning amendments that were considered recently are specifically related to planBTV. The first was the removal of the requirement that no more than 50% of new development can be related to housing. There is a tremendous need in the community for housing and they need to work to create more housing downtown. The other zoning amendment eliminates on-site parking requirements. The plan notes that they have a surplus of parking, but have a parking management problem. Eliminating that requirement will allow them to focus on managing parking and create a market for property owners to manage their parking better. Other amendments have a relationship in terms of helping them encourage the creation of in-fill development but are not directly related.

Councilor Worden stated they used to believe that they did not have enough parking downtown and felt that downtown needed to be commercial. There were good comments about transportation, but they can address it again in a few years and amend the plan. He likes rotaries and feels they work in certain location, but may not be appropriate for downtown. He enthusiastically supports the plan. Mr. White stated there is nothing in this plan that is specific to rail traffic, but that does not mean it could not

happen. The transportation plan encourages rail traffic. PlanBTV identifies Union Station for rail traffic. Whether roundabout traffic is appropriate will need to be determined on a case by case basis.

With no one further coming forward and no objection from the remaining Council, City Council President Shannon closed the public hearing at 8:12 p.m.

- 7.01. COMMUNICATION: Kimberlee Sturtevant, Assistant City Attorney, re: MDP-13-01 DRAFT planBTV-Downtown & Waterfront Master Plan; Amendment of the Burlington Municipal Development Plan Land Use Plan and Re-adoption of the Burlington Municipal Development Plan, Public Hearing Notice

Councilors Bushor and Tracy made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

8. APPOINTMENT: Director of Aviation

Mayor Weinberger stated that he was putting forth Gene Richards to be the next Director of Aviation. They served on the Airport Commission together and he was appointed as the Interim Director of Aviation. He had anticipated that Gene would do a strong job, but did not anticipate coming back to appoint him permanently. He has embraced the job with vigor and has produced excellent results in a number of areas. They have had three years where they have met their debt service ratio, which is how they measure the Airport's financial success. It has been achieved through expense reduction and expansion of revenue. He has been running the Airport in a difficult economic time while still finding a way to make important investments in the Airport's capital structure. He has gone a long way towards changing and improving the workforce culture. He has also worked with Department Heads and has contributed to municipal operations overall. He hopes there will be a strong confirmation vote.

Councilor Brennan stated that he had spoken with Mr. Richards earlier in the day. They discussed the use of avgas that is used by airplanes that fly in and out of the Airport. That gas contains lead. The City has worked to reduce lead poisonings. Lead in the fuel of the planes can contaminate areas. There is no evidence of that from the Burlington Airport, but he feels they can be a leader. In budget hearings, they discussed creating a new marketing position. They also championed a flight to Atlanta. The City is currently focusing on Diversity and Equity Issues. There are skilled people of color working in the Atlanta area and they can work on creating that pipeline. This could be a win-win situation. He hopes that they will bring forward some ideas for the marketing position. Mr. Richards stated he looks forward to working on these issues.

Councilor Tracy stated Gene has worked incredibly hard this past year. He was getting on a flight very early in the morning and ran into him. He waited at the gate with him and told him about the things he was working on. It showed his dedication to the Airport. He inquired what he is most proud of at the Airport this year. Mr. Richards stated he is most proud of the Airport team. They are a pleasure to work with and have stepped up to the new mission and goals.

Councilor Paul stated she had the pleasure of being able to speak at the Mayor's appointment announcement. She feels fortunate that she worked closely with Gene and his staff as co-chair of the Airport Strategic Planning Committee. She acknowledged Ryan Betcher and Heather Kendrew of the Airport team for the work that they have done. She stated Gene has done great things this year. It can be hard to have a conversation with Gene because when he is at the Airport, he is constantly working to make things perfect, such as throwing away trash. She looks forward to the years to come.

Councilor Mason stated he has worked with Gene in a variety of capacities. They first worked together on the board of a non-profit and he made big changes to that Board. He took his task very seriously and made very successful changes. His energy and commitment has been seen at the Airport and he will support the nomination.

City Council President Shannon stated that you can follow Mr. Richards on Twitter and get updates about the Airport. He is also putting out promotional information and helpful travel information.

Councilors Bushor and Knodell made a motion to appoint Gene Richards as Director of Aviation. The motion passed unanimously.

8.01. COMMUNICATION: Mayor Miro Weinberger, re: Appointment of Permanent Director of Aviation

Councilors Bushor and Knodell made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

8.02. COMMUNICATION: Gene Richards III Resume

Councilors Bushor and Knodell made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

8.03. COMMUNICATION: Julie Hulburd, HR Generalist and Susan Leonard, Director of Human Resources, re: Step Placement – Gene Richards, Aviation Director

Councilors Bushor and Knodell made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

8.04. COMMUNICATION: Human Resources, re: Department Head Pay Scales FY13

Councilors Bushor and Knodell made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

8.05. COMMUNICATION: Human Resources, re: City of Burlington Job Description, Director of Aviation

Councilors Bushor and Knodell made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

9. COMMUNICATION: Mayor Miro Weinberger, re: Mayoral Reappointments for FY14

Mayor Weinberger stated that there was a list of proposed reappointments for FY14. The Charter specifies that the appointments appear in the first meeting in June. He hopes they will be unanimously supported.

Councilor Knodell inquired if there are more details they can share about finding a new Director of Public Works. Mayor Weinberger stated the Charter requires that the Mayor consult with the applicable commission in all reappointments. They have received recommendations on all of the Department Heads they are reappointing. With respect to the new DPW director, he met with the Commission Chair and plans to meet with the entire Commission. He has not fully decided the process past that point.

The reappointments passed unanimously.

9.5. (was 4.11.) RESOLUTION: Authorization to Execute Extension of Letter of Agreement Between The City of Burlington and University of Vermont (Councilors Shannon, Bushor, Aubin; Board of Finance)

Councilors Blais and Aubin made a motion to waive the reading and adopt the resolution.

Councilor Blais stated his intention when removing this from the consent agenda was not to challenge or question the matter. He felt that any matter involving the University was concerning to the Council, particularly those in Wards 1 and 6. He hoped that the Mayor could provide them some information about what was happening with the relationship between the City and the University.

Mayor Weinberger stated that last year the Administration asked for an extension of the agreement with an adjustment for inflation in place. There was not time for a thorough review before the agreement needed to be signed. This year they looked closely at all elements of the calculation from when the agreement was first made. They have not found any justification for a substantial departure from that. They were proposing that the agreement be approved with the adjustment for inflation once again. There has been a long history of separating financial matters with UVM from other matters. This extends just the financial agreement. He will be reporting about other issues they have been working on with UVM in the next month.

Councilor Tracy inquired if there were any goals that they should be looking for in that report. Mayor Weinberger stated that the agreement extension was not being linked to any other non-financial issues. The point of the review was to ensure that there were no large costs that the City was incurring that UVM was not paying its share of. The housing issue and the desire to see more students living on campus was one thing that he has discussed at each meeting. They have also discussed quality of life issues, such as recycling and sustainability goals. Councilor Tracy inquired if he felt that UVM was willing to continue with some of the efforts they have been making and expand these efforts into other areas. Mayor Weinberger stated he has sensed that the President was aware that one of UVM's premier attributes as an institution was how great of a City Burlington is and he wants to be a productive force in making the City even greater. There is openness to addressing a number of issues including the need for more student housing to take the pressure off of residential neighborhoods. There is openness to new approaches towards economic development. Having a new City and University Administration at the same time is helpful because they are not bound by the existing ways of doing things.

Councilor Brennan stated that it would be helpful to relations those who work at the University and City Departments to know about the payment of permits and fees. The University pays money for planning and zoning and building permits. They have changed their accounting system and everyone has a procurement card. In order to get these permits, they have to get a check. It creates a lot of labor which is a burden on the University. He knows that with the New World Software there were discussions about making that happen. He would like to see that in the near future. Mayor Weinberger stated the City has made ad hoc steps towards new credit card policies. There are certain areas with that capacity right now, but he would like to see a more comprehensive approach to that in the next year.

Councilor Worden stated he understands why this is happening now and why it was extended a year. He takes exception with the third paragraph in the memo which says they should not conflate financial issues with housing and quality of life issues. This is a critical issue and this does need to be in play, but the quality of life issues are important that are being borne by the City. He looks forward to opening that discussion. The payment for services is based on the use of the Fire Department. There are more broad based discussions that they should have with the University in the future. Mayor Weinberger stated he takes that point. The calculation for the fees includes a number of items, but fire service is the largest

single item. This agreement has precedent that he would be hesitant to move away from. It provides clear and predictable revenue that he would be reluctant to move away from. At the same time, he takes the job of working through a number of issues very seriously. He wants to work on those issues while the City gets that revenue needed to run the City.

Councilor Bushor stated she sometimes gets frustrated because there are separate things the City does with the University. This has to do with budgetary issues, but they also have to deal with housing and quality of life issues. There is a relationship between the two, but they are separate pieces of business. No one knows what the fees are and what the dollar amounts are. This is a generic resolution, but she feels they would benefit from knowing what the fees were in the past and what they are increasing. That has been missing. She requested this information be included in their next packet. Mayor Weinberger stated he has noted the request and offered to go into detail with the Board of Finance. He does feel it is a good suggestion.

Councilor Paul stated they passed a resolution addressing a number of issues related to the MOU. She hopes that resolution is recognized and considered as they have conversations with UVM.

The motion passed unanimously.

9.6. (was 4.12.) COMMUNICATION: Mayor Miro Weinberger, re: UVM Payment for Services

Councilors Blais and Aubin made a motion to waive the reading, accept the communication and place it on file. The motion passed unanimously.

City Council Appointments

On a motion by Councilors Knodell and Ayres agenda items 10 through 23 were voted as a slate.

10. APPOINTMENT: Chittenden County Transportation Authority (Term expires 6/30/16)

Chapin Spencer was re-appointed unanimously.

11. APPOINTMENT: Church Street Marketplace Commission (Term expires 6/30/16)

Celia Daly was re-appointed unanimously.

12. APPOINTMENT: Church Street Marketplace Commission (Term expires 6/30/16)

Eli Lesser-Goldsmith was re-appointed unanimously.

13. APPOINTMENT: Church Street Marketplace Commission (Term expires 6/30/16)

Jeff Nick was re-appointed unanimously.

14. APPOINTMENT: Church Street Marketplace Commission (Term expires 6/30/16)

Lorne Tucker was re-appointed unanimously.

15. APPOINTMENT: Conservation Board (Term expires 6/30/17)

Damon Lane was re-appointed unanimously.

16. APPOINTMENT: Conservation Board (Term expires 6/30/17)

Scott Mapes was re-appointed unanimously.

17. APPOINTMENT: Conservation Board (Term expires 6/30/17)

Matthew Moore was re-appointed unanimously.

18. APPOINTMENT: Conservation Board (Term expires 6/30/17)

Will Flender was re-appointed unanimously.

19. APPOINTMENT: Development Review Board (Term expires 6/30/15)

Missa Aloisi was appointed unanimously.

20. APPOINTMENT: Development Review Board (Term expires 6/30/17)

Brad Rabinowitz was re-appointed unanimously.

21. APPOINTMENT: Development Review Board (Term expires 6/30/17)

Jonathan Stevens was re-appointed unanimously.

22. APPOINTMENT: Fence Viewer (Term expires 6/30/14)

Shay Totten was re-appointed unanimously.

23. APPOINTMENT: Housing Board of Review (Term expires 6/30/17)

Loyal Ploof was re-appointed unanimously.

24. COMMITTEE REPORTS (5 mins.)

Councilor Tracy stated that the TEUC had met. They heard from CCTA about the transit center. They are in the permitting phase, but they are on track to start construction and open by fall 2015. There was also construction on Cherry Street to install an innovative drainage strategy called a silva cell. It is a lattice that allows water to be absorbed in a dense urban core. It also allows for tree roots to grow. The North Avenue corridor study will be kicking off to look at a more complete street and a bike/walk friendly route between the Center City and the New North End. There will be opportunities for citizen input. They are looking at the Colchester/Pearl/Prospect intersection, which is one of the worst in the area. They will begin a pilot to phase the lights for that. They are also beginning their Summer Paving Program. They are setting the schedule and will communicate when everyone's street will be paved. It will be happening all around the City. There is a system of metrics used to determine the list of streets to be paved.

Councilor Paul stated PACC has set a date to meet. They will discuss the PIAP process. The first two of three deliberative meetings have already taken place. They will also discuss the Parks Master Plan and the consultant will be attending the meeting.

Councilor Knodell stated the Public Safety Committee met and had a presentation from a group working on the Neighborhood Safety Initiative. This has been described as bringing Neighborhood Watch into the 21st century. They will be holding a large community meeting. They hope to involve City Councilors in

helping with a door to door survey and recruiting constituents who are involved in public safety issues. This project has potential to come up with concrete strategies that will work for the entire City.

Councilor Siegel stated that the Charter Change Committee is looking at gun safety measures. They have been meeting during the day time but have heard concerns that does not work for people interested in attending. She hopes that interested people will get in touch with her. She noted that they will be conducting two surveys related to the Commission Appointment Process. One survey will go to everyone who applied and department heads to see how they feel about the process. The second will go to department heads and everyone who is serving to see if they feel that Boards and Commissions are functioning optimally. They can then address things like the size, term lengths, and inclusion of political affiliation.

Councilor Bushor requested an update on Redistricting. City Council President Shannon stated the Mayor of Winooski, the Chair of the South Burlington City Council, the Mayor and herself were invited to the National Guard for an informational meeting. They explained how noise can be managed with different airplanes. The noise pattern with the F-16 is different based on how they fly the plane. The EIS has now been released. They passed a resolution asking questions about the F-35 and the EIS. The resolution is included in the EIS and they have coded the answers. The answers to the questions in the resolution are pooled with a number of people who raised similar questions. She is working to compile the information into an easier to read format. She plans to make some committee assignment adjustments because of the new Board of Finance member. The Redistricting Committee will be having its last meeting. At the previous meeting, there was a lot of discussion about a 13 councilor plan which would leave most of the wards very similar to how they are today, but the New North End would have a three Councilor district. It would leave the Old North End separate. The New North End does not like that plan. There was also an 8 ward 16 councilor plan with smaller wards. The New North End would have two wards with two councilors each. The committee members outside the New North End did not have a lot of interest in that plan. At the end of the meeting, there was discussion about a 4 ward 12 councilor plan. They had also discussed an 8 ward 12 councilor plan which would have one councilor in each ward and would then double up wards to form 4 precincts with one councilor each. They will decide if they will discuss a 4 ward plan or any other plans. It is supposed to be the last meeting of the group and suggested they bring any ideas forward that they have. Whatever the Committee approves will come before the Council. Councilor Bushor stated in the 13 councilor scenario, there were two options for the New North End. They could have a large area represented by 3 councilors or 2 small areas, one with 1 councilor and one with 2 councilors. People in the New North End did not support either.

25. COMMUNICATION: City Councilors, re: General City Affairs (oral)(10 mins.)

Councilor Ayres stated that he heard incredible sounds coming in from the Marketplace. He encouraged everyone to enjoy the music from the Discover Jazz Fest particularly the Middle and High School jazz bands.

Councilor Bushor stated she went to Centennial Field to look at the investment made in the new seating. It was exciting to see and people will be happier. The people who are not sitting in the covered section will no longer be sitting on cement slabs. This could be disruptive to the neighborhood with noise, traffic, trash and people. They have been able to work through those issues and everybody wins. The community benefits from baseball and Ward 1 has been able to minimize the impact by adjusting lights and sound. When people want to collaborate and work together, it is amazing what they can do. When talking about the fee for service, the Mayor did want to speak in depth about that agreement at the Board of Finance, but she did not feel that they needed to. There was a suggestion that should not be done in open session. She hopes they can still have the information made available to them and the Mayor was willing to have a more in depth discussion.

Councilor Blais wished for the best for Councilor Hartnett and family.

Councilor Brennan thanked Councilors for supporting his run in the marathon. He did make it through the 26.2 miles. He commended Crowd Rise, a non-profit, for allowing individuals to give money in a very easy way. It was a great event and they should be proud.

Councilor Worden stated Saturday is the final day of the Greater Burlington Girls' Soccer League. The parents dance on the Soccer Field at Calahan Park. It is a lot of fun.

Councilor Siegel thanked Jeanne Collins and the School Board for the decision they made regarding an investigation of the Schools' reporting of an alleged affair between a teacher and a student. They must conduct an internal investigation to insure that reporting was done properly and they chose to hire an outside investigator who may be more objective. They know that this is serious. She wishes that they had done this with the incident with the Police last summer, and hopes they will do this in the future.

26. COMMUNICATION: Mayor Weinberger, re: General City Affairs (oral)(5 mins.)

Mayor Weinberger stated the TIF Bill will become law on Friday. Once it is law, they will bring it forward for ratification.

There have been incidents in the South End with a child on a bike who was hit by a car. There was also a near miss near a new business. Improved pedestrian and bike infrastructure along the Pine Street corridor has been a high priority for this administration. They have made positive changes, such as a better marked pedestrian crossing with a sign in the middle of the roadway. They are close to an agreement with a State to do more substantial and immediate improvements. They hope to be able to announce those developments in June. In the longer term, when the Champlain Parkway is built, they should not miss the opportunity to make more significant improvements to pedestrian and bike infrastructure.

On Memorial Day, the observation was led by the VFW. There was a ceremony in Battery Park and he was honored to attend along with Senator Bernie Sanders. He attended the luncheon afterwards. The leaders of the post told him that their community room was one that they would like to see utilized more frequently by the community and non-profit groups.

BCA has highlighted their involvement with the Integrated Arts Academy. There is a photo exhibit that they have a sampling of on the top floor of BCA. They are photos of students and they have written a statement about themselves. It celebrates the diversity that they have in the community.

There have been exciting environmental events. ECHO celebrated its tenth anniversary with a two day conference on water quality. He felt good announcing that in a tight budget year, one of the few areas they anticipate investing new resources into is the storm water program. The storms that they have had show the importance of having a strong storm water program. They anticipate restoring full funding and will be a leader to keep Lake Champlain clean.

They had a visit from an EPA Administrator as part of the New England Municipal Sustainability Network. This Network is three years old and is one of the most active networks in the country. They share information about how they are addressing their environmental future. They hosted that today and focused on food systems.

Without objection, City Council President Shannon recessed the City Council meeting at 9:24 p.m.

City Council President Shannon reconvened the City Council meeting at 9:53 p.m.

27. COMMUNICATION: Eileen Blackwood, City Attorney, re: Status of the Burlington Telecom Cases (oral)

City Attorney Blackwood stated that the Council needed to go into executive session to discuss pending litigation.

On a motion by Councilors Knodell and Bushor the City Council went into executive session at 9:57 p.m. premature disclosure would place the City at a substantial disadvantage. Present were:

see above; CAO Bob Rusten, Mike Kanarick, Mayor's Office, David Provost, Burlington Telecom Advisory Board.

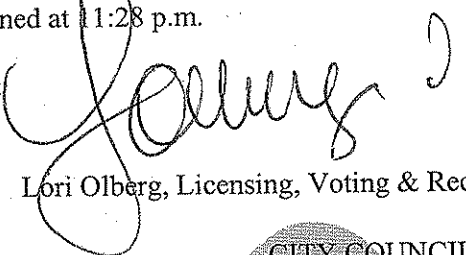

******* EXPECTED EXECUTIVE SESSION *******

On a motion by Councilors Knodell and Ayres the City Council went out of executive session at 11:28 p.m.

28. ADJOURNMENT

On a motion by Councilors Knodell and Ayres the Annual Meeting of the City Council unanimously adjourned at 11:28 p.m.

Attest:

 
Lori Olberg, Licensing, Voting & Records Coordinator & Amy Bovee, Executive Secretary

CITY COUNCIL WITH MAYOR PRESIDING

MONDAY, JUNE 3, 2013

9:24 P.M.

1. AGENDA

On a motion by Councilors Shannon and Paul the agenda was unanimously adopted as is.

2. CONSENT AGENDA

On a motion by Councilors Shannon and Paul the consent agenda was unanimously adopted thus taking the following actions as indicated:

- 2.01. COMMUNICATION: David J. Roberts, Deputy Chief, Burlington Fire Department,
re: Listing of Fire Wardens to be Appointed at the June Meeting of
The City Council

*waive the reading, accept the communication, place it on file and appoint the individuals listed as the Fire Wardens, terms expiring June 30, 2014

3. APPOINTMENT: Airport Commission (Term expires 6/30/17)

On a motion by Councilors Shannon and Brennan agenda items 3 through 23, with the exception of agenda items 11, 15 and 17.

Councilor Siegel requested they remove the nomination for Phil Lavigne to the Police Commission (item 16) so they can consider all of the candidates. City Council President Shannon removed Phil Lavigne from the slate. Councilor Knodell stated they found out that Nyree Miles' application was thought to be late when they developed the slate. They have since found out it should be considered timely.

The slate was approved unanimously as amended.

Jeff Munger was re-appointed unanimously.

4. APPOINTMENT: Cemetery Commission (Term expires 6/30/16)

Donna Waldron was appointed unanimously.

5. APPOINTMENT: Design Advisory Board (Term expires 6/30/16)

Matthew Bushey was re-appointed unanimously.

6. APPOINTMENT: Electric Light Commission (Term expires 6/30/16)

Bob Herendeen was re-appointed unanimously.

7. APPOINTMENT: Electric Light Commission (Term expires 6/30/16)

Spencer Newman was re-appointed unanimously.

8. APPOINTMENT: Fire Commission (Term expires 6/30/16)

Linda Sheehey was re-appointed unanimously.

9. APPOINTMENT: Board of Health (Term expires 6/30/16)

Mary Hart was re-appointed unanimously.

10. APPOINTMENT: Board of Health (Term expires 6/30/16)

Julie Hathaway was re-appointed unanimously.

11. APPOINTMENT: Library Commission (Term expires 6/30/16)

Councilor Worden nominated Glen McCrae. He stated that the Library needs an audience, more patrons, and connectivity to the community. Having read his background, he has worked to develop strategic plans. He will do an excellent job at increasing the audience the library gets. It is a critical time in the Library's history and he would be a great asset to that commission.

Councilor Paul nominated Mary Ellen Manock. She has been on the Library Commission for one term and has done good work. She lives in Ward 6 and is interested in continuing in that role.

Glen McCrae received 9 votes from Councilors Bushor, Worden, Tracy, Knodell, Brennan, Siegel, Aubin, Ayres and Decelles.

Glen McCrae was appointed to the Library Commission.

12. APPOINTMENT: Parks and Recreation Commission (Term expires 6/30/16)

John Bossange was re-appointed unanimously.

13. APPOINTMENT: Parks and Recreation Commission (Term expires 6/30/16)

Nancy Kaplan was re-appointed unanimously.

14. APPOINTMENT: Planning Commission (Term expires 6/30/17)

Andy Montroll was re-appointed unanimously.

15. APPOINTMENT: Planning Commission (Term expires 6/30/17)

Councilor Worden nominated Emily Lee. One of the significant challenges that they face by depending on volunteers are finding people who do homework between meetings. She has done this through her efforts to bring people from the community together around neighborhood issues. This area of the City is not overly represented on the Planning Commission.

Councilor Knodell nominated John Davis. He has impressive credentials and a PhD in Community Planning. He has actively practiced in the area of housing policy. They have heard a lot about the need for more housing and he has expertise in this area, particularly in inclusionary zoning. It is important to take a fresh look at that ordinance and do it well. That is a tool they use to reflect the real incomes of people who work in the Burlington area. He has important expertise to offer and will be a productive and collaborative member of the Planning Commission as they begin to implement planBTV.

Councilor Tracy stated they had three members of Ward 2 apply for this position and it is difficult to choose between neighbors. He will be supporting John Davis because they recently passed a resolution that says they will look towards qualifications rather than personal relationships. He has an extensive background in inclusionary housing and other zoning matters. He has worked with Emily on a number of neighborhood issues, but he is looking towards expertise.

City Council President Shannon stated it is important to ensure that there is a variety of expertise on Boards and Commissions. Expertise in zoning itself is brought to the table by the staff. She will be supporting Emily Lee because she will bring expertise that is not already at the table. Professionally, she deals with real estate financing. There was a recent proposal to remove parking requirements for residential uses. There is a claim that banks will require parking. There is currently no banking expertise at the table. It is part of the discussion and having that expertise will be helpful. She has worked hard for her neighborhood and has interest in the City more broadly.

Councilor Bushor stated this is a difficult choice. She has a long history with John Davis and sees him as a visionary. She also has a history with Emily Lee and values her as well. No matter who gets this position, the City wins. They have two people who are different but have very strong resumes. She has decided to support John Davis and hopes Emily Lee stays engaged.

Mayor Weinberger stated this was a difficult choice for him as well. He has known John Davis for a long time and worked with him to start a development company. His work is impressive. He also had conversations with Emily Lee to confirm that she believes one of the biggest planning issues before them is adopting and implementing planBTV. They will need to move from a planning document to a form based code to make it possible to build that vision. She has confirmed that she wants to see the City move in that direction as well. She has engaged in forward looking work and he will support her.

Emily Lee received 8 votes from Mayor Weinberger, City Council President Shannon, Councilors Aubin, Paul, Blais, Ayres, Worden and Mason.

Emily Lee was appointed to the Planning Commission.

16. APPOINTMENT: Police Commission (Term expires 6/30/16)

Councilor Decelles nominated Phil Lavigne. He films meetings for CCTV and attends NPA meetings. He has extensive background as a Police Officer in a large city in Michigan. They tackled a number of issues such as social, economic, and racial diversity. He is an asset and is very thoughtful. He takes this work seriously and reports back to the New North End in a timely manner. He takes input and suggestions. He deserves to be placed back on the Police Commission.

Councilor Siegel nominated Nyree Miles. They were able to meet her at the work session and was struck by what she could bring to the Commission. She would have a different perspective than the people currently on it. They need balance on all of the Commissions. She lives at Northgate, which is affordable subsidized housing. They do not get a lot of people in that socioeconomic income bracket applying for Boards and Commissions. She just finished a criminal justice degree and has interned with the Sheriff's Office. She is young, vibrant and committed. They have said a number of times that they want to represent the youth diversity they have in the City. She could help move in that direction.

Phil Lavigne was re-appointed to the Police Commission with 10 votes.

17. APPOINTMENT: Police Commission (Term expires 6/30/16)

Councilor Knodell nominated Stephanie Seguino. She has shown commitment to ensuring that law enforcement is fair and equitable. She has done ride-alongs with the Police late at night. She has researched whether they have a racial profiling problem. She would remove an incumbent, but they do have an increasingly diverse City and the Police Commission could be strengthened in this area. It would send a powerful signal to the community tonight.

Councilor Mason nominated Paul Hochanadel. He has served on the Police Commission since 2010 and has a strong background in domestic violence issues. This is an integral part of what the Police deal with on a regular basis. He has served admirably as a Ward 5 School Commissioners. There was some concern about his attendance record, but that was the result of meetings being scheduled at the same time.

Stephanie Seguino received 6 votes from Councilors Paul, Siegel, Knodell, Brennan, Bushor and Tracy.

Paul Hochanadel received 8 votes from Mayor Weinberger, City Council President Shannon, and Councilors Worden, Aubin, Mason, Blais, Ayres and Decelles.

Paul Hochanadel was re-appointed to the Police Commission.

18. APPOINTMENT: Public Works Commission (Term expires 6/30/16)

Bob Alberry was re-appointed unanimously.

19. APPOINTMENT: Public Works Commission (Term expires 6/30/16)

Nate Lavery was re-appointed unanimously.

20. APPOINTMENT: Retirement Board (Term expires 6/30/16)

Minutes, Annual City Council Meeting, June 3, 2013

Bob Hooper was re-appointed unanimously.

21. APPOINTMENT: Board of Tax Appeals (Term expires 6/30/16)

Connie Krosney was re-appointed unanimously.

22. APPOINTMENT: Board of Tax Appeals (Term expires 6/30/16)

Marc Monheimer was re-appointed unanimously.

23. APPOINTMENT: Board of Registration for Voters (Term expires 6/30/18)

Linda Chagnon was re-appointed unanimously.

24. ADJOURNMENT

Without objection, the City Council With Mayor Presiding Meeting unanimously adjourned at 9:53 p.m.

Attest:

 
Lori Olberg, Licensing, Voting & Records Coordinator & Amy Bovee, Executive Secretary